

REMARKS

Claims 1-16 are all the claims pending in the application and claims 1-6 and 8-16 stand rejected.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 7 would be allowed if rewritten in independent form. However, Applicants hold such rewriting in abeyance at this time and traverse the prior art rejections as set forth below.

Claim Objections - Double Patenting

Claims 9-16 are objected to under 37 C.F.R. § 1.75 as being substantial duplicates of claims 1-8, respectively.

In response, Applicants submit these claims are not duplicates as claims 1-8 contain “means” language which is not present in claims 9-16. In this way, claims 9-16 may cover different structures than claims 1-8. In this way, Applicants submit this objection is in error and should be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-3 and 9-11 stand rejected under § 103(a) as being unpatentable over the APA in view of Swank et al. (US 6,183,691).

Claim 1 recites, *inter alia*, passing said preforms one after the other through an upstream chamber inside which a decontaminating liquid is sprayed continuously towards necks of said preforms so as to wet inside and outside surfaces of the necks and in such a manner a fog

atmosphere of said decontaminating liquid is maintained inside said chamber so that said necks are bathed in said fog of decontaminating liquid.

In the Office Action, the Examiner alleges that Swank discloses a decontamination/sterilization process according to which partially formed materials to be treated pass first through an upstream chamber (sterilization chamber 28) in which hydrogen peroxide is sprayed continuously so as to maintain in this chamber a fog atmosphere of said decontaminating product with which the necks of the preforms are brought into contact; then said partially formed materials pass in front of ITV lamps arranged so as to completely irradiate the necks of said partially formed materials.

Applicants disagree with the Examiner reading of Swank as set forth below.

First, the materials to be treated in Swank are rough cartons; one end of each rough carton is wide open. The pourer nose 62 is already located on a lateral face of this rough carton and is provided with a cap, as it can be shown in figure 3 of Swank. Consequently, the neck is closed with a cap, and therefore, the process does not wet an inside surface of the neck. Otherwise said, this known process is not intended to treat containers provided with open necks, and even less to treat only necks of containers, and even less to treat preform necks specifically.

Thus, Swank fails to disclose, at least “a decontaminating liquid is sprayed continuously towards necks of said performs so as to wet inside and outside surfaces of the neck,” as recited in claim 1.

Further, with reference to column 4, lines 39-65 and column 5, lines 9-36 of Swank, as well as to figures 2 and 3, it becomes clear that a sterilization chamber 28 is used. Further, this

chamber includes all treatment stations. For example, this chamber includes an applicator 30 for hydrogen peroxide, and a chamber 38 for UV radiations. However, it is also clear that applicator 30 is not housed in a particular chamber. Moreover, if said applicator was configured to spray a fog of hydrogen peroxide, such a fog would be present in the whole space of the sterilization chamber 28, including the outlet thereof, in such a manner that containers extracted from said chamber would be coated with hydrogen peroxide. Accordingly, it is apparent from Swank that the applicator does not maintain the chamber in a fog as recited in claim 1.

Consequently, the applicator 30 of Swank sprays hydrogen peroxide substantially with precision on or in rough cartons so as to avoid that the lack of enclosure (i.e. the lack of a particular chamber provided for this process step) or the creation of a fog in order to prevent spreading of hydrogen peroxide in the whole space of the sterilization chamber 28.

Consequently, contrary to Examiner's assertion, there is no "upstream chamber" in the arrangement SWANK. As a result thereof, the arrangement disclosed in SWANK, either taken alone or in combination with the APA, fails to disclose all the features recited in claim 1.

Thus, Applicants submit claim 1 is allowable for at least those reasons set forth above. Additionally, because claim 9 recites similar features, Applicants submit claim 9 is allowable for the same reasons set forth above.

Additionally, Applicants submit claims 2,, 3, 10 and 11 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 4, 5, 8, 12, 13 and 16 rejected under § 103(a) as being unpatentable over Marchau et al. (WO 99/03667) in view of the APA and Swank et al. (US 6,183,691).

In the rejection, the Examiner concedes that neither Marchau nor the APA disclose an installation for decontaminating the preform. To compensate for this deficiency, the Examiner applies Swank, alleging it discloses an upstream chamber (sterilization chamber 28) into which hydrogen peroxide is sprayed continuously so as to maintain in this chamber a fog atmosphere of decontaminating product with which the necks of the preforms are brought into contact.

Claim 4 recites, *inter alia*, wherein the decontamination installation also includes, upstream of the ultraviolet lamps, a chamber traversed by said preform movement means of the feeder installation and in which spray means are provided for spraying a decontaminating product continuously toward necks of said preforms so as to wet inside and outside face thereof and so as to maintain a fog of the decontaminating product inside said chamber.

Because the features of claim 4 noted above are similar to those features discussed above with regard to claim 1, Applicants submit Swank is deficient with regard to these features for the same reasons set forth above with regard to claim 1. Further, because neither the APA nor Marchau disclose these features, even if combined as suggested, Applicants submit the suggested combination fails to disclose all the features recited in claim 4.

Thus, Applicants submit claim 4 is allowable for at least this reason. Additionally, because claim 12 recites features similar to claim 4, Applicants submit claim 12 is allowable for the same reasons set forth above. Finally, Applicants submit claims 5, 8, 13 and 16 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Marchau et al. (WO 99/03667) in view of the APA and Swank et al. (US 6,183,691), as applied to claim 4, in further view of Zelina et al. (US 2002/0159915).

Applicants respectfully submit that because Zelina, either taken alone or in combination with Marchau, the APA or Swank, fails to compensate for the above noted deficiencies of the Marchau/APA/Swank combination as applied to claim 4, claim 6 is allowable, at least by virtue of its dependency.

Conclusion

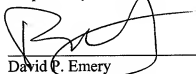
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/509,746

Attorney Docket No.: Q83748

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David P. Emery', is written over a horizontal line.

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